

**UNITED STATES BANKRUPTCY COURT**

**FOR THE**

**EASTERN DISTRICT OF VIRGINIA**

**Alexandria Division**

In the Matter of:

JAMES CHRISTOPHER TARDIO

Debtor

Chapter 13

Case No. 18-13365-BFK

**OBJECTION TO CONFIRMATION OF PLAN,**  
**NOTICE OF OBJECTION TO CONFIRMATION OF PLAN**  
**AND**  
**NOTICE OF SCHEDULED HEARING ON THIS OBJECTION**

Thomas P. Gorman, Chapter 13 Trustee, has filed this objection to confirmation of your Chapter 13 Plan filed October 19, 2018. The cause for this objection is as follows:

**Violation of 11 U.S.C. §1325(a)(3) and 11 U.S.C. §1325(b)(1)(B) - Good Faith and Disposable Income.**

- Debtor lives with his fiancée (and has for 10 years) who is a nurse at Mary Washington Hospital. No income or contribution is shown for her.
- Further, Debtor lists her as a creditor with no address, so she may not have notice of the case.
- Debtor proposes to retain a rental property that he testified at November 6, 2018 Creditor's Meeting was "losing money", while paying only 11% to unsecured creditors.
- Similarly, Debtor is proposing to retain and pay through Plan three vehicles and a boat on an 11% Plan. He testified he is the sole driver of all three vehicles.

**Violation of 11 U.S.C. §1325(a)(6) - Feasibility.**

- Plan has not provided for secured claim of John Deere (Claim #6).

**Violation of 11 U.S.C. §521 - Failure of the Debtor to provide information necessary for the Trustee to make recommendation of confirmation of this Chapter 13 Plan.**

- Trustee requested a copy of the lease for the rental property, but to date has not received said document.

**Notice of Objection To Confirmation**

James Christopher Tardio, Case # 18-13365-BFK

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not wish the court to grant the relief sought in the objection, or if you want the court to consider your views on the objection, then on or before five business days prior to the hearing date, you or your attorney must:

File with the court a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1(H). Unless a written response and supporting memorandum are filed and served by the date specified, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing. If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above. You must mail a copy to the persons listed below.

***Attend the hearing to be held on December 20, 2018 at 1:30 p.m. in Courtroom #1 on the 2<sup>nd</sup> floor, United States Bankruptcy Court, 200 South Washington Street, Alexandria, Virginia 22314.*** If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.

A copy of any written response must be mailed to the following persons:

Thomas P. Gorman  
300 North Washington Street, Ste, 400  
Alexandria, VA 22314

Clerk of the Court  
United States Bankruptcy Court  
200 South Washington Street  
Alexandria, VA 22314

If you or your attorney do not take steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: November 27, 2018

/s/ Thomas P. Gorman  
Thomas P. Gorman  
Chapter 13 Trustee  
300 N. Washington Street, #400  
Alexandria, VA 22314  
(703) 836-2226  
VSB 26421

**Notice of Objection To Confirmation**

James Christopher Tardio, Case # 18-13365-BFK

**CERTIFICATE OF SERVICE**

I hereby certify that I have this 27<sup>th</sup> day of November, 2018, served via ECF authorized users or mailed a true copy of the foregoing Objection to Confirmation, Notice of Objection and Notice of Hearing to the following parties.

James Christopher Tardio  
Chapter 13 Debtor  
6 Prescott Lane  
Fredericksburg, VA 22405

Bryan L. Ragland  
Attorney for Debtor  
Ragland & Ragland, PLC  
4107 Plank Rd., Suite B  
Fredericksburg, VA 22407

/s/ Thomas P. Gorman  
Thomas P. Gorman